

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

FEB 23 2006

JAMES W. MCCORMACK, CLERK
By: *[Signature]* DEP. CLERK

UNITED STATES OF AMERICA)

v.)

JEFFREY BURSTEIN;)

MAGDIEL CASTRO)

a/k/a MIKE CASTRO;)

MARCOS CAVALCANTE;)

WILLIAM F. CLINTON; and)

JEFFREY RICHMAN)

No. 4:05CR *00072-03-WRW*

18 U.S.C. § 1832(a)(2)

18 U.S.C. § 1512(c)(1)

18 U.S.C. § 1030(a)(2)(C)

18 U.S.C. § 2

MOTION TO AWARD THIRD POINT FOR ACCEPTANCE OF RESPONSIBILITY

The United States of America, by and through United States Attorney H.E. (Bud) Cummins and Assistant United States Attorney George C. Vena, and Assistant United States Attorney Todd L. Newton, moves the Court for an order granting the defendant, Marcos Cavalcante, a third point for acceptance of responsibility under United States Sentencing Guideline 3E1.1(b), as amended by Section 401(g) of the PROTECT Act.¹ For grounds, the Government states:

1. Since initially being charged, the defendant Marcos Cavalcante has assisted authorities in the investigation and prosecution of his own misconduct by pleading guilty to the crime of obstruction, which guilty plea was accepted by this Court on February 23, 2006.

2. The applicable offense level under the United States Sentencing Guidelines is 16 or greater and the defendant qualifies for acceptance of responsibility under § 3E1.1 for his offense.

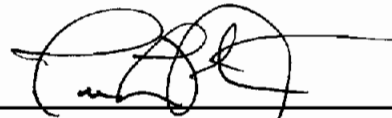
3. As a result of the defendant's timely guilty plea, the Government was able to avoid preparing for trial.

¹The Act is fully entitled "Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003" and was signed into law by President George W. Bush on April 30, 2003.

4. Because the defendant's plea of guilty has enabled the Government and the Court to allocate their resources efficiently, the defendant should be awarded an additional third point for his acceptance of responsibility under U.S.S.G. § 3E1.1(b).

WHEREFORE, for the above reasons, the Government requests that the Court award the defendant an additional third point for acceptance of responsibility under U.S.S.G. § 3E1.1(b).

Respectfully Submitted,
H.E. (BUD) CUMMINS
United States Attorney



By GEORGE C. VENA
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been hand delivered in open court to counsel for the defendant, Alan Weisberg, Attorney at Law, this 23rd day of February, 2006.



GEORGE C. VENA